UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,271	03/29/2001	Richard L. Maliszewski	042390.P10448	4460

7590 03/15/2006	EXAMINER
Mark L. Watson	BROWN, CHRISTOPHER J

Mark L. Watson		
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP	ART UNIT	PAPER NUMBER
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DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/821,271	MALISZEWSKI, RICHARD L.
	Examiner	Art Unit	
	Christopher J. Brown	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 December 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>29 March 2001</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/5/05 have been fully considered but they are not persuasive.

The applicant has amended claims 1, 7, 13, and 20 to overcome the art of reference. The applicant has amended to include "wherein the second voucher includes the system module critical content components to be used by the codec". This terminology is both indefinite and is not enabled from the specification. It is unclear what a "critical component" is. The examiner could find the term mentioned in [0034], and [0036] with no clear definition. With respect to the rejection in view of Angelo US 5,944,821, Angelo teaches verifying trustworthiness of applications when called according to a hash (voucher). When describing a fuction that is critical, for instance, a playback function, the hash (voucher) would contain that critical component.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "320" has been used to designate both "Integrity Agent" and "Codec". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet

submitted after the filing date of an application must be labeled in the top margin as

either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes

are not accepted by the examiner, the applicant will be notified and informed of any

required corrective action in the next Office action. The objection to the drawings will

not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1, 7, 13, and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the enablement requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the

invention. The term "system module critical content" was not described in the

specification to enable one of ordinary skill in the art.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 7, 13, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. The claims state "system module critical

content" it is unclear what a "critical component" is. Every component is "critical" to

one degree or another. The examiner could find the term mentioned in [0034], and

[0036] with no clear definition. Appropriate correction is required.

Repeated below is the previous art rejection:

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or
described as set forth in section 102 of this title, if the differences between the subject
matter sought to be patented and the prior art are such that the subject matter as a whole
would have been obvious at the time the invention was made to a person having ordinary
skill in the art to which said subject matter pertains. Patentability shall not be negatived
by the manner in which the invention was made.

Claims 1, 2, and 4-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

BOCCON-GIBOD US 2001/0016836 in view of Angelo US 5,944,821.

As per claims 1, and 7, Boccon-Gibod teaches a computer system comprising a

compressor/decompressor (codec), [0025]. Boccon-Gibod US 2001/0016836 teaches

decrypting received content, [0025], Boccon-Gibod fails to teach an integrity agent that

verifies the authenticity of the functions.

Angelo teaches a security system that verifies the authenticity of one or more functions

(applications) utilized, (Col 4 lines 40-45).

It would have been obvious to one of ordinary skill in the art to add the verification of

Angelo to the computer system of Boccon-Gibod because the verification protects

resources and guarantees trustworthiness, (Angelo Col 1 lines 20-33).

As per claims 2, and 8 Boccon-Gibod does not teach verification.

Angelo teaches verifying only marked functions (applications),(Col 4 lines 48-50).

As per claim 9, Boccon-Gibod teaches that the functions are included in the system

module, [0025].

As per claims 4, and 10, Boccon-Gibod does not teach a first verification voucher that

describes integrity.

Angelo teaches receiving a first verification vouched describing integrity (generated

hash), (Col 4 lines 59-60).

As per claims 5, and 11 Boccon-Gibod does not teach a second verification voucher that

describes integrity.

Angelo teaches a second verification voucher, (stored hash) which describes integrity of

the functions of the system, (Col 4 lines 60-63). Angelo teaches the vouchers are used to

facilitate verification of the function specified, (Col 4 lines 63-66).

As per claims 6 and 12, Boccon-Gibod teaches that the system has a player application,

[0026].

As per claims 13, and 20, Boccon-Gibod teaches receiving content at a codec, [0024].

Boccon-Gibod teaches calling a function of a system module to assist in decoding the

digital content [0025]. Boccon-Gibod US 2001/0016836 teaches decrypting received

content, [0025], Boccon-Gibod does not teach intercepting the function call and verifying the authenticity of the function.

Angelo teaches intercepting a function call (application call) and verifying the authenticity, (Col 4 lines 55-67, Col 5 lines 20-25).

It would have been obvious to one of ordinary skill in the art to add the verification of Angelo to the computer system of Boccon-Gibod because the verification protects resources and guarantees trustworthiness, (Angelo Col 1 lines 20-33).

As per claims 14 and 21, Boccon-Gibod does not teach authentication.

Angelo teaches using a digest of a memory image to verify components (applications) of a system, (Col 4 lines 55-67).

As per claims 15 and 22, Boccon-Gibod does not teach authentication.

Angelo teaches preventing playback (application start) of the content if the module is not authentic, (Col 5 lines 2-5).

As per claims 16, 18 and 23, Boccon-Gibod does not teach authentication.

Angelo teaches executing the function (application) if the module is authentic, (Col 4 lines 63-66).

As per claims 17, 19 and 24, Boccon-Gibod does not teach authentication.

Angelo teaches intercepting a function call (application call) to any and all marked functions or applications and verifying the authenticity, (Col 4 lines 55-67, Col 5 lines 20-25).

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over BOCCON-GIBOD US 2001/0016836 in view of Angelo US 5,944,821 in view of Reid US 5,844,575.

As per claim 3, Boccon-Gibod teaches a computer system comprising a compressor/decompressor (codec), [0025]. Boccon-Gibod teaches a codecs use of one or more functions (algorithms) in use with the codec, [0026]. Boccon-Gibod fails to teach an integrity agent that verifies the authenticity of the functions.

Angelo teaches a security system that verifies the authenticity of one or more functions (applications) utilized, (Col 4 lines 40-45).

The Boccon-Gibod-Angelo combination does not teach a function providing memory allocation.

Reid teaches a compressor using a function to provide memory allocation, (Col 11 lines 28-35).

It would have been obvious to one of ordinary skill in the art to use a memory allocation function of Reid with the Codec of Boccon-Gibod-Angelo because the Codec needs memory in order to function.

Conclusion

5.Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

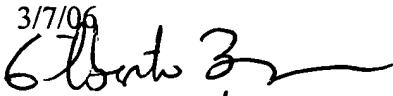SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Christopher J. Brown whose telephone number is

(571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown   3/7/06

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